

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**DEFENDANTS' SECOND UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFFS' MOTION FOR CONTEMPT AND
FOR THE APPOINTMENT OF A RECEIVER**

COME NOW Defendants, pursuant to Fed. R. Civ. P. 6(b)(1), and move this Court for a second extension of time from November 15, 2010, to December 3, 2010, to respond to Plaintiffs' Motion for Contempt and for the Appointment of a Receiver [Doc. No. 511]. As grounds for this Motion, Defendants state:

1. Plaintiffs have filed a fifty-two page motion with voluminous supporting exhibits and additional time is required in order to be responsive to the issues Plaintiffs raise and to prepare an appropriate legal response.

2. Moreover, because the Court Monitor has filed an extension of time to file her Report until November 23, 2010, additional time is needed so that Defendants can review the Monitor's Report prior to the filing of their Response.

2. Counsel for Plaintiffs has advised undersigned counsel that Plaintiffs have no objection to the requested extension. However, in light of Defendants' request for an extension of time to file their response, Plaintiffs' request that their deadline to file their reply in further

support of their Motion for Contempt and Appointment of a Receiver be extended to December 23, 2010. Defendants have no objection to Plaintiffs' request.

3. The extension of time sought is made in good faith and not requested solely for purposes of undue delay.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court enter an Order granting Defendants a second extension of time until December 3, 2010, to file their response to Plaintiffs' Motion for Contempt and for the Appointment of a Receiver and granting Plaintiffs an extension of time until December 23, 2010, to file their reply in further support of their Motion for Contempt and for the Appointment of a Receiver.

Respectfully submitted, this the 12th day of November, 2010.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.
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CERTIFICATE OF SERVICE

I, Dewitt L. “Rusty” Fortenberry, Jr., do hereby certify that on November 12, 2010, I electronically filed a true and correct copy of the foregoing document with the Clerk of court using the ECF system which sent notification of such to counsel as follows:

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SO CERTIFIED, this 12th day of November, 2010.

/S/ DEWITT L. (“RUSTY”) FORTENBERRY, JR.